



Entered on Docket
November 01, 2011

A handwritten signature in black ink, appearing to read "R. B."

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based Entirely Upon Investment In The
Cornman Toltec Loan**

Hearing Date: September 30, 2011

Hearing Time: 9:30 a.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Cornman Toltec Loan ("Cornman Toltec Loan") [DE 8796] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Cornman Toltec Loan; and
2 good cause appearing:

3 **IT IS ORDERED** that:

4 1. The Objection [DE 8796] is sustained; and
5 2. The claims listed on **Exhibit A** attached are 20% allowed and 80%
6 disallowed because those claims are based entirely upon an investment in the Cornman
7 Toltec Loan.

8
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**
11

12 By /s/ John Hinderaker (AZ #018024)
13 Robert M. Charles, Jr.
14 John Hinderaker (*pro hac vice*)
15 3993 Howard Hughes Parkway, Ste. 600
16 Las Vegas, Nevada 89169-5996
Telephone: (702) 949-8320
Facsimile: (702) 949-8321

17 *Attorneys for USACM Liquidating Trust*
18
19
20
21
22
23
24
25
26

1 LOCAL RULE 9021 CERTIFICATION
23 In accordance with LR 9021, counsel submitting this document certifies that the order
4 accurately reflects the court's ruling and that (check one):
56 _____ This Court has waived the requirement set forth in LR 9021(b)(1).
78 XXX No party appeared at the hearing or filed an objection to the motion.
910 _____ I have delivered a copy of this proposed order to all counsel who
11 appeared at the hearing, and any unrepresented parties who appeared
12 at the hearing, and each has approved or disapproved the order, or
13 failed to respond, as indicated below [list each party and whether the
14 party has approved, disapproved, or failed to respond to the
15 document]:16 Counsel appearing: _____
1718 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
19 copy of this order with the motion pursuant to LR 9014(g), and that
20 no party has objected to the form or content of the order

14 U.S. Trustee: <u>Augie Landis</u>	15 <input type="checkbox"/> approved the form of this order	15 <input type="checkbox"/> disapproved the form of this order
16 <input checked="" type="checkbox"/> waived the right to review the 17 order and/or	16 <input type="checkbox"/> failed to respond to the document	
18 Other Party: _____	19 <input type="checkbox"/> approved the form of this order	19 <input type="checkbox"/> disapproved the form of this order
20 <input type="checkbox"/> waived the right to review the 21 order and/or	20 <input type="checkbox"/> failed to respond to the document	

22 Submitted by:
23 LEWIS AND ROCA LLP24 By: /s/ John Hinderaker. (AZ #018024)
25 Attorneys for USACM Liquidating Trust

26 # # #

USACM Trust**Cornman Toltec 160, LLC****Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Cornman Toltec 160, LLC Loan	Amount Disallowed (80%)	Amount Allowed (20%)
10725-02538	6/11/2007	Albiol, Marcia C & Henry	Po Box 221356 Carmel, CA 93922-1356	60,000.00	48,000.00	12,000.00
10725-01907	1/9/2007	Chegwin 1989 Revocable Trust Dtd 4/18/89	C/O Dennis M & Vicki L Chegwin Trustees 78530 Arapahoe Indian Wells, CA 92210-9151	52,500.00	42,000.00	10,500.00
10725-02446	4/10/2007	Fred & Kellee Kempf Trust	C/O Marius & Mary A Kempf Trustees 2560 Forest City Dr Henderson, NV 89052-6951	55,513.00	44,410.40	11,102.60
10725-00361	10/2/2006	Katzman Family Trust Dtd 4/3/87	C/O Harold Katzman Trustee 5 Torrey Pine Dr Newport Coast, CA 92657-1539	50,000.00	40,000.00	10,000.00
10725-00462	10/5/2006	Lehart, Milton	184 Buckland Dr Reno, NV 89511	50,000.00	40,000.00	10,000.00
10725-01614	12/8/2006	Mcconnell Family Trust Dtd 12/3/81	James & Maudrene Mcconnell Trustees 970 Fairway Blvd Incline Village, NV 89451	163,950.00	131,160.00	32,790.00
10725-02248	1/12/2007	McQuerry Family Trust	William McQuerry 318 Singing Brook Cir Santa Rosa, CA 95409-6483	101,883.26	81,506.61	20,376.65
10725-00091	8/8/2006	Paul L & Marie Linney Trust Dated 10-25-96	C/O Paul L Linney Trustee 2079 Meritage Dr Sparks, NV 89434-2102	50,000.00	40,000.00	10,000.00
10725-00174	8/8/2006	Paul L & Marie Linney Trust Dated 10-25-96	C/O Paul L Linney Trustee 2079 Meritage Dr Sparks, NV 89434-2102	50,000.00	40,000.00	10,000.00
10725-01787	12/13/2006	Spring, Donald W & Evelyn Mae	3153 Canyon Oaks Ter Chico, CA 95928-3987	51,079.00	40,863.20	10,215.80
10725-01124	11/8/2006	Wayne Dotson CO	Peter Bogart Ceo 1445 City Line Ave Wymnewood, PA 19096	56,000.00	44,800.00	11,200.00

EXHIBIT A